

EOD
07/15/2022

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

IN RE:	§	
	§	
INDEPENDENCE FUEL SYSTEMS, LLC	§	Case No. 22-60301
381 Casa Linda Plaza	§	
Dallas, TX 75218	§	
	§	
Debtor	§	Chapter 11 - Subch. V

ORDER SETTING EMERGENCY (PRELIMINARY)
VIRTUAL HEARING ON DEBTOR'S CASH COLLATERAL

ON THIS DATE the Court considered the request for emergency hearing filed on July 14, 2022, by Independence Fuel Systems, LLC ("Debtor"), the Debtor and Debtor-in-Possession in the above-referenced case, in conjunction with its:

- (1) Motion for Authority to Use Cash Collateral of Origin Bank
(the "Cash Collateral Motion") [dkt #3]

filed on July 14, 2022. The Debtor's Cash Collateral Motion pertains to the apparent cash collateral of Origin Bank.¹ The Court finds that the Request fails to comply with LBR 9007(b) in that it does not contain "an affidavit or an unsworn declaration under penalty of perjury as provided in 28 U.S.C. §1746 by the party or the attorney attesting to the emergency facts" as required by this Court's local rule. This failure is grounds for

¹ The source and validity of such lien rights is, of course, subject to possible dispute and the creditor has the duty to establish its interest in property from which its cash collateral rights allegedly arise. [11 U.S.C. §363\(p\)](#)

dismissal of the request without further consideration. However, the Court has reviewed the Cash Collateral Motion and finds that justification exists for the setting of an emergency hearing despite failure to comply with LBR 9007(b). Debtor's counsel is advised that compliance with the requirements of this Court's rules in future is expected.

However, pursuant to Fed. R. Bankr. P. 4001(b)(2) a final hearing on a motion for authority to use cash collateral may be commenced no earlier than fourteen (14) days after service of such a motion, except that the Court may authorize the use of cash collateral on an interim basis to the extent necessary to avoid an immediate and irreparable harm to the estate pending a final hearing. **The parties should be prepared to abide by the provisions of Rule 4001(b)(2) with regard to the approval of any provision which properly should be subjected to the full notice period invoked by the Federal Rules of Bankruptcy Procedure.** Subject to that limitation, the Court finds that sufficient cause has been presented to justify the setting of an emergency (preliminary) hearing on the Cash Collateral Motion. Accordingly,

IT IS THEREFORE ORDERED that the request for emergency hearing is **GRANTED** and that a **preliminary** hearing on the Debtor's Cash Collateral Motion will be conducted **by virtual hearing** on:

Monday, July 18, 2022 at 8:30 am

***** Join Microsoft Teams Hearing: <https://bit.ly/3aEcLP6> *****

IT IS FURTHER ORDERED that the presentation of proposed exhibits at this virtual hearing by any party-in-interest should be:

- (1) tendered in an electronic format,
- (2) properly marked by party designation per LBR 7016(d)(2) or (3); and
- (3) *separately attached and filed in the Court's docket on or before 5:00 p.m. CDT* on the day PRIOR to the hearing.

IT IS FURTHER ORDERED that the hearing shall be conducted pursuant to the directives regarding the conduct of virtual hearings located on Judge Searcy's webpage on the Court's website, <https://www.txeb.uscourts.gov/content/judge-searcy> under the *Court Appearances and Hearing Methods* tab. Attorneys are responsible for the virtual appearance of any witness called in its case-in-chief. Any such witness must:

- (1) join the hearing as a separate participant from the sponsoring attorney;
- (2) using a different camera and microphone than the sponsoring attorney; and
- (3) be capable of accessing any exhibit needed for the examination.

IT IS FURTHER ORDERED that:

- a. the attorneys (if identified) for all involved parties referenced by the Cash Collateral Motion, together with the Subchapter V Trustee and any party who has filed a Notice of Appearance or Creditor Request for Notice, are receiving notice with a link to the virtual hearing within this order;
- b. additional parties-in-interest seeking to participate in the virtual hearing may contact the Courtroom Deputy as set forth below:

Ms. Alexa Turman
Phone: (903) 590-3240
or
Email: Alexa_Turman@txeb.uscourts.gov.

IT IS FURTHER ORDERED that, unless notice of this Order has been given by the Court by electronic means through its CM-ECF system as indicated on the related Notice of Electronic Filing pertaining to this Order, the Debtor-in-Possession or its counsel shall give notice of these emergency hearings by forwarding a copy of this Order by the most expedient means available, including electronic or facsimile transmission, if possible, to all other parties listed in the certificate of service contained in the Motion, to all parties entitled to notice under the Federal Rules of Bankruptcy Procedure or pursuant to LBR 9013, as well as any other affected party, and the Debtor-in-Possession or its counsel shall evidence such service by the filing of a Certificate of Service with the Court prior to the scheduled hearing.

Signed on 07/15/2022


JD

THE HONORABLE JOSHUA P. SEARCY
UNITED STATES BANKRUPTCY JUDGE

In re:
Independence Fuel Systems, LLC
Debtor

Case No. 22-60301-jps
Chapter 11

CERTIFICATE OF NOTICE

District/off: 0540-6
Date Rcvd: Jul 15, 2022

User: admin
Form ID: pdf400

Page 1 of 2
Total Noticed: 26

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 17, 2022:

Recip ID	Recipient Name and Address
db	+ Independence Fuel Systems, LLC, 381 Casa Linda Plaza, Dallas, TX 75218-3471
8162415	+ Benton Poole, 515 N. Fredonia,, Longview, TX 75601-5308
8162416	+ Brad Thiessen, 9032 Fringewood dr., Dallas, TX 75228-5110
8162417	+ Brian Morris, 2728 N Harwood, Suite 500, Dallas, TX 75201-1743
8162418	+ Certified Landscaping & Ground Maintenanc, 211 Commander Dr., Longview, TX 75605-4610
8162419	+ Charles Neuberger, 106 Katy Ranch Drive, Weatherford, TX 76085-8244
8162420	+ Christina Lacy, P.O. Box 639, Centerville, TX 75833-0639
8162422	Compression Technology dba ComTech Energ, 8620 Escarpment Way, Units 11-14, L9T OM1, Canada
8162423	David Holy, 808 Tiffany Way, Dallas, TX 75218-2741
8162425	Eastern Fuel-#1, 1100 Stone Rd, Suite 2020,, Dallas, TX 75243
8162426	+ Eastern Gas, 1100 Stone Road, Suite 2020, Kilgore, TX 75662-5496
8162427	Eastman Midstream, LP, 515 N. Fredonia, Dallas, TX 75243
8162428	+ Harris Cook LLP, Attn Larry Fowler, Jr., 1309-A West Abram Street, Arlington, TX 76013-6426
8162429	+ Matt Russell, 515 N. Fredonia, Longview, TX 75601-5308
8162430	Medina Electric Cooperative, 237 TX-173 North, Hondo, TX 78861
8162431	+ Michelle Terry, Tax A/C Gregg Co, 101 e Methvin st #215, Longview, TX 75601-7235
8162432	+ Origin Bank, 6124 Berkshire Lane, Dallas, TX 75225-5501
8162433	+ Raymond Russell, 515 N. Fredonia,, Longview, TX 75601-5308
8162436	Shane Graves, P.C., 313 Nye, Laredo, Laredo, TX 78041
8162437	+ Shoco Development, 851 W Harrison, Longview, TX 75604-5208
8162438	+ Southwestern Electric Power, 416 Travis st, Shreveport, LA 71101-3282
8162439	+ Sovereign Land Company, LLC, 1917 Esparanza Ct, Allen, TX 75013-4762
8162441	+ Total Eastman Midstream, LP, 515 N. Fredonia,, Longview, TX 75601-5308

TOTAL: 23

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
8162414	+ Email/PDF: bncnotices@becket-lee.com	Jul 15 2022 23:23:37	American Express, World Finance Center, 200 Vesey St, New York, NY 10285-1000
8162434	+ Email/Text: ecfbankruptcy@nrg.com	Jul 15 2022 23:18:00	Reliant, PO Box 3765, Houston, TX 77253-3765
8162440	+ Email/Text: ap@tele-onecom.com	Jul 15 2022 23:18:00	Tele-One Communications, Inc, 5620 Old Bullard rd #109, Tyler, TX 75703-4358

TOTAL: 3

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
8162421		Christina S. Lacey, Centerville Station Royalty, PO Box 639,, TX 75883

District/off: 0540-6

User: admin

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Date Rcvd: Jul 15, 2022

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Total Noticed: 26

8162442		United States Treasury - Cinn
8162424	##+	DFW Oil, Inc., 11551 Forest central Drive,, Dallas, TX 75243-3922
8162435	##+	Riata Mineral Rights, Ltd, 313 Nye, Laredo, TX 78041-2719

TOTAL: 2 Undeliverable, 0 Duplicate, 2 Out of date forwarding address

NOTICE CERTIFICATION

I, Gustava Winters, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 17, 2022

Signature: /s/Gustava Winters

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 15, 2022 at the address(es) listed below:

Name	Email Address
Eric A Liepins	on behalf of Debtor Independence Fuel Systems LLC eric@ealpc.com, martha@ealpc.com;r56883@notify.bestcase.com
US Trustee	USTPRegion06.TY.ECF@USDOJ.GOV

TOTAL: 2